

MIT SEA GRANT PROGRAM
THE STATE INDUSTRY WORKSHOP
ON THE
COASTAL ZONE MANAGEMENT ACT OF 1972

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Sea Grant Laboratory

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COASTAL ZONE MANAGEMENT ACT OF 1972

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THE STATE-INDUSTRY WORKSHOP ON THE COASTAL ZONE
MANAGEMENT ACT OF 1972

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CZM MEETING FOLLOW-UP

On Thursday, May 17, 1973, key representatives of industry, government and the private sector met in a one-day session at MIT to discuss the consequences and significance of the passage in 1972 of the Federal Coastal Zone Management Act.

The Coastal Zone Management Workshop was sponsored by the MIT Sea Grant Program and the Program's State-Industry Advisory Council. It was chaired by E.R. Pariser, Advisory Services Officer, of the Institute's Sea Grant program.

The day's activities were divided into two parts. The morning was devoted to presentations dealing with specific issues relating to the Federal Act and how it might affect the development, organization and implementation of the state's coastal zone legisla-

tion. The afternoon was taken up with group discussions on topics relevant to coastal zone management. At the end of the workshop session, E. R. Pariser briefly summarized the issues, concerns and areas of agreement that had emerged during the afternoon sessions.

Presentations

Introduced by Prof. Ira Dyer, Director of the MIT Sea Grant Program, E. R. Pariser set the stage for the meeting by sketching the history and significance of the coastal zone concept. He outlined briefly the substance of the federal Coastal Zone Management Act and the overall problems of involving the public at large in the formulation of coastal zone management plans for the Commonwealth. (See text of speech following Summary)



Mr. Knecht

Robert Knecht, Director of NOAA's Coastal Zone Management Task Force, then discussed in more detail the content and meaning of the Federal Act.

Mr. Knecht said that states have, up to now, not followed a comprehensive approach to coastal zone management; legislation has often been crisis oriented. He stated four aspects which he felt were basic to the philosophy of the Coastal Zone Management Act:

1. States are the principal actors. This is the appropriate government level at which to plan coastal zone management: the state is the most effective legislator.

2. The program is voluntary. There are no sanctions contained in the legislation, no penalties if a state does not choose to develop coastal zone legislation and programs consistent with the federal guidelines.

3. The Act sets federal guidelines as to the adequacy of state processes in dealing with coastal zone management problems rather than second guessing a particular land-water use decision.

4. The Act emphasizes a balanced approach. It recognizes that the values of the coastal zone are to be found both in conservation and preservation as well as in economic development. It should not be considered merely as an environmental measure; it is, rather, a management measure recognizing environmental and economic values.

The Act is a comprehensive and rational approach to coastal zone management and recognizes the states as the key leaders. It provides incentives which encourage states to participate. In essence, the federal role is to oversee the adequacy of state program government and processes for those states who choose to participate. The federal government sets the guidelines and sees that the specifics mentioned in the Act are met. The more difficult role of the federal government is to insure that the aggregate of the 30 state management programs represents the national interest in coastal zone management. Some problems, such as the supply of energy, go beyond state boundaries and must be solved jointly by the states and federal government.

Mr. Knecht additionally stressed that the Sea Grant Program is also deeply involved in coastal zone management by providing intellectual resources to help solve the technical problems of public leaders, conservationists, marine operators, fishermen, recreation groups (i.e. all those who live and work in the coastal zone).



Mr. Kelso

James G. Kelso, Executive Vice President of the Greater Boston Chamber of Commerce, emphasized the need for professional guidance in the planning and development of the coastal zone. He stated that industry had in the past

been considered to lack regard for the community at large; although industrial development has in the past, indeed, had detrimental effects on the environment it must now become far more responsive to the overall effects of such development on the community. He pointed out that the coastal zone must not be considered separately but as part of a much larger issue concerning land planning and use in general. He stressed in this respect that it was most important to realize the impact of regional legislation, such as that of the coastal zone management, on factors such as highway planning, industrial land use priorities, etc.. For this reason, a far greater measure of expertise than is available at the moment is needed to assist and guide the development of sound land use planning. Those concerned with this type of planning must, Mr. Kelso reiterated, recognize both the importance of environmental preservation and that of urban growth and economic development. Mr. Kelso called for the enlistment and cooperation of an interdisciplinary body of experts who would become involved in any future activities connected with coastal zone management.

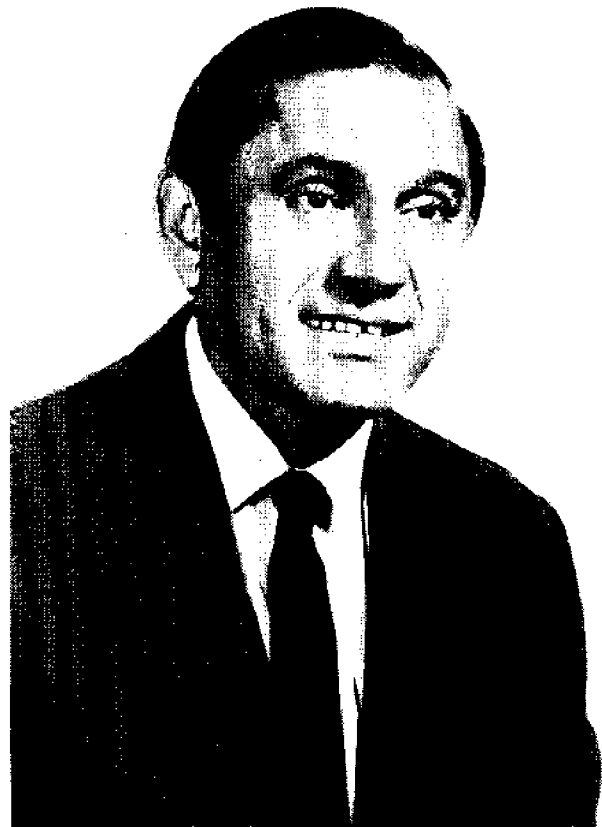
Mrs. Barbara Fegan, Vice President, Association for the Preservation of Cape Cod, stressed the need for increased public interest in establishing a coastal zone management structure. As a long-time community leader, she outlined the steps towards greater and more responsible public participation.



Mrs. Fegan

She dealt directly with the importance of communication between public and private agencies and the need for creating a service industry dedicated to public participation, that would encourage open access to information between government agencies and the public. Mrs. Fegan called for the public to become involved and participate early in the process of legislative development. Public hearings should be arranged to identify the critical areas of a region. A "map or geography of concerns" should be developed. A concerted effort should finally be made to establish an advisory committee or council to help direct citizen education and involvement in long-term planning projects.

William L. Saltonstall, State Senator from the Third Essex District, of the Commonwealth of Massachusetts, stressed the irreversibility of land use decisions in the coastal zone and the necessity for close cooperation between communities in coastal zone planning and implementation. Senator Saltonstall, in conjunction with Professor William Seifert and Captain Thomas Suddath, recently introduced S. 1614, a bill relative to the management, use, protection and development of coastal zone resources. Senator Saltonstall expressed the opinion that the citizens of Massachusetts have not yet become convinced of the value of coastal zone management legislation, and that those who favor it have the responsibility to persuade the public and their legislators of its value.



Senator Saltonstall

Because every person in the Commonwealth would eventually be affected by coastal zone management legislation, citizens and citizen groups must become involved in planning and implementing this legislation. The opinions, needs, interests and specific problems of the many interest groups in the coastal area need to be considered in drawing up a coastal zone management plan. Senator Saltonstall's bill has been referred for further study to the joint special committee appointed to study land planning under the chairmanship of Representative Raymond Peck. The Senator called for comments and suggestions from citizens on the bill. These suggestions will be used in redrafting the bill for later submission to the legislature.

Commissioner Arthur W. Brownell, of the Department of Natural Resources for the Commonwealth, outlined the problems of establishing coastal zone management legislation in Massachusetts and the conflicts relative to its passage. He pointed on the serious need of funding the numerous studies that would, in his opinion, have to be undertaken before effective legislation could be passed. He emphasized that the problem of establishing a reasonable balance between environmental and economic concerns of the state was of particular concern to him. Commissioner Brownell stressed the point that a number of state

agencies were already in existence and charged to deal with environmental and related problems. He, therefore, asked the question whether these agencies should be assigned the responsibility of research and ultimate action, or whether a new agency should be created to discharge these functions. The Commissioner also announced that Mr. Richard Tatlock had recently been retained by the Department of Natural Resources to act as Director of Coastal Zone Programs within the Department.



Commissioner Brownell

Discussion Groups

In the afternoon, the participants met in four groups to discuss the following issues:

1. What is the coastal zone and how should its limits be determined?
2. How can priorities for coastal zone use be established?
3. What should the relationship between state and local governments be and what are the most effective means of involving the public at large in the resource management of the coastal zone?
4. Should we encourage the Commonwealth of Massachusetts to enact coastal zone management legislation now, and should existing laws be changed or supplemented?

The discussions provided a forum in which participants expressed their views regarding the Coastal Zone Management Act. As expected, these concerns were diverse and complex. Although many of the differences of opinion that were expressed could not, at this time, be resolved, some recommendations representing a reasonable consensus, emerged from these discussions and are presented below.

Conclusions

1. Coastal zone boundaries should be established with public participation giving full consideration to regional, environmental and economic needs. Boundaries should be defined early to "smoke out the issues" even if the definitions would subsequently have to be restated and the boundaries changed.
2. State coastal zone management legislation should be enacted now. The establishment of governmental task forces

delays action, and action is essential today. Further studies, if necessary, should follow and not precede legislative action.

3. A system of checks and balances must be established coincidentally with any legislation, to ensure continual responsible action on the part of those in charge of coastal zone management.

4. Broader, more extensive and more active public involvement is generally regarded as crucial to ultimate success in coastal zone management.

5. The MIT Sea Grant Program should continue to "step up" its efforts in the coastal zone management field to assist both government and the public at large, especially to help the development of tools necessary to understand the issues involved in coastal zone management. Consideration should be given to the possibility of designating the MIT Sea Grant Program as a state Coastal Zone Laboratory, as has been done in several other states with Sea Grant Programs.

6. An inventory of future needs of the state is desperately required: for example, what need is there for more airports, electric power plants, harbors, beaches, sand and gravel production plants, etc.? Such information will define both the starting base and the long range goals and objectives for coastal zone management.

The meeting adjourned at 5:00 with the Chairman's promise to send to each participant a summary of the proceedings for comment, criticism, recommendations and further action.



HISTORY AND SIGNIFICANCE OF THE
COASTAL ZONE MANAGEMENT CONCEPT
FOR MASSACHUSETTS

By E. R. Pariser
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The history of life on earth has been the history of interaction between living things and their surroundings. To a large extent, the physical forms and the habits of the earth's vegetation and its animal life have been molded by the environment. Considering the whole time span of earthly events, the opposite effect in which life actually modified its surroundings has been relatively slight. Only within the

short moment of time represented by this (and perhaps the last century) has one species--man--acquired significant power to alter the nature of his world. Modern science and the techniques to which it has given rise have indeed changed the environment and the nature of human life more than it has changed them since man took to agriculture. The changes that are being wrought by science and technology continue at an increasing speed, and there is every reason to believe that the revolutionary possibilities of science and engineering extend immeasurably beyond what has so far been realized. Can the human race adjust itself quickly enough to these vertiginous transformations or will it, as innumerable former species, perish from lack of adaptability? The dinosaurs were in their day the lords of creation and if there had been any philosophers among them, not one would have foreseen that the whole race might perish. But they became extinct because they could not adapt themselves to environmental changes over which they had no control.

In the case of man, there is a wholly new factor, namely that man himself is creating the changes in the environment to which he, in turn, will have to adjust with unprecedented rapidity. But although man through his skills is the cause of these environmental changes, most of these are not willed by man. Although they come about through human agencies, they have something of the inexorable in their inevitability. Whether nature dries up the swamps, or men deliberately drain them makes little

difference as regards the ultimate result. Whether man will be able to survive the changes in the environment that he brings about is an open question. If the answer is in the affirmative, it will be known someday. If the opposite becomes true, who will know?

Alexander Hamilton has pointed out in the Federalist Papers that it seemed to be reserved to the people of this country to decide by their conduct and example whether societies of men are really capable of establishing good government from reflection and choice or whether they would forever be destined to depend for their political constitutions on accident and force. This is the question that we are addressing today: how can we establish, with reflection and choice, the best governance over one of the most fundamental regions of our country--the coastal zone, a region that represents 10% of the U.S. territory and contains 54% of the U.S. population.

For me, this meeting is an important occasion since I know far too little about the problems of the coastal zone beyond my conviction in this world of increasing population, hunger, and thirst, it is utterly irresponsible to neglect the protection and conservation of the finite natural resources over which we reign and that we desperately need for survival. For the management of the coastal zone we carry an immense responsibility. That is the philosophical basis for the enactment of coastal zone management legislation and for the importance of the 1972 Coastal Zone Management Act that the President signed in October of last year.

Attempts to regulate equitably the use of coastal resources are not new. The classical Romans had some problems that were similar to those that we are addressing here: they applied the doctrine of res communes dominium. The doctrine meant that certain things belonged to the public in general, such as the seats in the Coliseum; as long as the spectacle was in progress and you were in your seat, you had a right to be there. But when you got up to get a Coke, the public's right was regained. This principle was also applied to the beaches. A person could occupy a place there, bathe from it, even build a temporary bath house on the beach, but the minute he moved himself or his structure, the title of the public was recreated.

In an agrarian, rural, society where relatively few people live, a simple rule like this could be followed without much trouble and would work fairly well. But when societies grow and become more complex, new rules have to be designed and enacted. That is why, by the time of the first half of the seventeenth century, a fairly complicated set of regulations had developed in the western world. The body of law that relates to the seashores, waterways, and the great ponds of Maine and Massachusetts, has its origins in the colonial ordinances of 1641-47 and not in the common law of England. These ordinances were a result of the long struggle among the colonies to gain individual liberties from the then existing and often arbitrary governmental structure, as established by the original charter of the Massachusetts Bay Colony. The charter resulted from a grant of letters patent

by James I of England which conveyed not only proprietary rights in the land itself, but also in the waters and contiguous shores. The Massachusetts Bay Colony Charter, confirming the grant which remained in effect until 1686, established a governing body, and provided for dominion and control not only over the political affairs of the colony but over its lands and waters with authority to transfer the same to individuals. A portion of this body of liberties reads as follows:

Every inhabitant that is a householder, should have free fishing and fowling in any great pond, bay, cove, river so far as the sea ebbs and flows within the precinct of the town where they dwell, unless the free men in the same town or the general court have otherwise appropriated them, and provided that this shall not be extended to give leave to any man to come upon other's property without their leave.

Over the past five or ten years, many events have heightened the attention of the public to the coastal areas and created demands for more aggressive governmental action. Oil pollution on California's coast particularly in the Santa Barbara Channel has raised considerable nationwide concern for the coastal regions. Construction of second homes, apartments, and hotels in coastal areas has grown very rapidly, many coastal communities and

industries have been developed with haphazard planning and insufficient environmental control. Bays, harbors, and estuaries are often not considered. Wetlands and marshes have been dredged and filled at an alarming rate. As demands on the coastal region have grown, increasing conflicts among users have arisen. All of this, in brief, is the story and motivation for the recently developed coastal zone legislation.

Coastal zone management has been going on for a long time and at all levels of government--federal, state and local. As you will hear and can see from some of the notes I have prepared as background information for the discussions this afternoon, only five out of thirty U.S. coastal states have not really prepared systematic legislation in this area.

Where they do exist, however, traditional coastal zone management efforts have so far suffered from three major problems. First, they have often separated projects such as port development, draining of wetlands, and growth of new communities from controls over the projects, such as dredging, water quality and land use. Different agencies and personnel have dealt with separate incidents of control, and the control mechanisms normally have come along much after the fact. Second, traditional coastal zone management focused on a single resource at a time, such as fish, agriculture, ground water, oil production, etc.. Third, traditional coastal zone management activities lacked specific long and short term goals. And since there were no goals, governments and private individuals competed

among themselves for short-term advantage. Many of these problems are addressed in the Coastal Zone Management Act of 1972. Under the Act, state governments and the public at large are the focal points for coastal zone management.

To encourage the states in their work of managing this zone effectively, a two-stage federal granting program has been established. Grants, first of all, will aid the state in developing a management program. A second grant program will assist the state in administering it.

The Coastal Zone Management Program is administered by the National Oceanic and Atmospheric Administration under the acting directorship of Mr. Robert Knecht who is here to talk to us. This arrangement permits full coordination with other ocean-related programs such as the National Sea Grant Program.

The legislation that exists today does not require state participation. The incentive to participate is the desire for federal money which is promised, but not yet available. As an additional incentive, the participating state has an advantage in dealing with the federal government if it has an approved coastal zone management program, since all federally funded projects and federal permits must conform to the state's approved program. If there is no approved management program, a federal project could be recommended against the wishes of the state.

The reasons why we have called this meeting are several. First, we are here to learn the significance and implications of the federal Coastal Zone Management Act of 1972 from the federal point of view which Mr. Knecht from Washington will speak about. Second, we want to find out where the Massachusetts State House is at the moment on this matter, what the pros and cons are to pass a coastal zone management act now, soon, or later, and what the needs of the Massachusetts state government are that we hope to hear what the important coastal zone issues are as far as the Massachusetts industry is concerned. Finally, and perhaps most important, we are here to find out whether, how, and what level and with what intensity, the public at large can and should be involved regarding the goals and problems that passage of the Coastal Zone Management Act attempts to solve and the problems that the Act is likely to raise.

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